

State of Connecticut  
GENERAL ASSEMBLY

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Interim ☒ Session  
M / Y Submitted: 3-8-11 beb



JUDICIARY COMMITTEE

***Appellate or Supreme Court Nomination Questionnaire***

1. Full Name: Carmen Elisa Espinosa

2. Home Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: ( \_\_\_\_\_ ) \_\_\_\_\_

3. Do you believe in judicial activism, judicial restraint, or in some other judicial philosophy?

I believe in judicial restraint. It is the function of the legislature to make laws and the role of the judge to interpret them, taking into account the Constitution, statutes and legal precedent.

4. How do you feel about the statement that judges should interpret the Constitution to enforce the original intent of the drafters? Do you believe that the interpretation of the Constitution must evolve with history?

While the original intent of the drafters is a relevant consideration, I believe the Constitution should be interpreted to accommodate life in modern society.

5. Would your personal beliefs interfere with your ability to apply the law fairly and in a neutral manner? For example, could you affirm a judgment that was in accordance with the Constitution and relevant statutes and might result in the death penalty, if you personally opposed the death penalty on religious or moral grounds? Could you preside

over a case based on a constitutional amendment authorizing internment of foreign nationals from a particular country?

My personal beliefs would not interfere with my judicial obligation to apply the law fairly and impartially. The answer to the second and third question is, Yes.

6. Do you believe the Connecticut Constitution provides the same rights and protections as the United States Constitution, greater rights and protections, or fewer? Do you believe states are free to develop constitutional rights and protections separate from federal guarantees? Would you make an independent analysis of a claim based on the state Constitution, or would you solely rely on United States Supreme Court precedent?

The Connecticut Constitution provides the same rights and protections as the Federal Constitution and greater rights and protections in some instances. States are free to develop separate constitutional rights separate from federal guarantees as long as federal rights are not restricted. I would make an independent state constitutional analysis.

7. Would you be able or willing to reverse a trial court decision if you thought it would result in freeing a defendant even if the case involved a particularly heinous crime and a retrial was unlikely?

Yes

8. In what types of situations should an appellate judge disqualify himself? Would you disqualify yourself from a case involving an issue about which you have very strong personal beliefs?

An appellate judge should disqualify himself as required by Canon 3(c) of the Code of Judicial Conduct. Yes, I would disqualify myself if I could not be fair and impartial.

9. For what types of constitutional or evidentiary errors do you think it is appropriate to overturn a trial court's conviction? Which rules of evidence or constitutional safeguards, if any, do you think are applied or interpreted too broadly so as to exclude probative evidence in criminal trials?

A trial court's conviction should be overturned if constitutional errors were made that resulted in the defendant not receiving a fair trial. Evidentiary errors should be overturned if there was an abuse of discretion which resulted in harmful error. I am not aware of any rules of evidence or constitutional safeguards that are applied or interpreted too broadly so as to exclude probative evidence.

10. What values do you think the exclusionary rule serves in Fourth Amendment cases? Do you think it is effective in furthering these values? Is there a better way?

The exclusionary rule protects the privacy rights of individuals and is designed to deter illegal conduct by law enforcement officials. I am not aware of a better method to achieve those ends.

11. What do you think the functions of the Supreme and Appellate courts are? Do you think it is more important to apply the law or do justice?

It is the function of the Supreme and Appellate courts to review the record from the lower court to determine if the law was properly applied. If the law is properly applied, justice will be done.

12. Do you believe affirmative action is proper to remedy discrimination? Do you feel hiring quotas are a legitimate tool in implementing affirmative action?

Yes, I believe affirmative action is proper to remedy discrimination. No, I do not believe in hiring quotas to implement affirmative action.

13. Do you believe the balance may have begun to tip too far in favor of criminal defendants and against the ability of the police and prosecutors to protect society? How is society served by protecting the rights of criminal defendants?

No. The rights afforded to criminal defendants apply to every citizen. If a defendant's rights are protected, all of our rights are protected.

14. How do you believe the balance should be struck between the rights of individuals to environmental and job safety regulations and the need of society for economic growth to help provide jobs?

This is a policy question best left to the legislature.

15. Do you believe that an Appellate or Supreme court judge should substitute his or her conclusions on issues of fact for the finding of the trial court? For example, would you substitute your findings for the trial court's findings in family matters, which are usually upheld on appeal?

1. No. 2. No.

16. Philosophically, should property rights and personal liberties be entitled to similar constitutional protection?

Yes

17. When you read a court opinion, what particular features do you look for in terms of judging its quality?

Clear, thorough and concise analysis

18. In trying to reach a decision, would you follow through on a principle you strongly believed in or would you be willing to compromise in order to build a consensus?

I would be willing to compromise in order to build a consensus but, in doing so, I would not compromise a principle I strongly believed in if I felt it should control the outcome of the case.

19. What attributes do you believe an appellate judge should have, in order of priority?


Integrity; intelligence; sound judgment; good analytical skills; good communication skills.

20. What United States or Connecticut Supreme Court justice from current or recent courts do you admire the most and why?

Justice Richard N. Palmer. I admire his intelligent, thorough and well reasoned opinions.

## Certification

I, hereby certify that the information contained in this questionnaire is true to best of my knowledge.

Signature:  Date: 03/07/11